

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

MIKE LIVINGSTON and SHARON
LIVINGSTON, *individually and on behalf
of all others similarly situated*

Plaintiffs,

V.

WELLS FARGO BANK, N.A., as
*Trustee for Carrington Mortgage Loan
Trust, Series 1006-NC4 Asset-Backed
Pass-Through Certificates*, CARRINGTON
MORTGAGE SERVICES, LLC, and
CARRINGTON FORECLOSURE
SERVICES, LLC *f/k/a Atlantic & Pacific
Foreclosure Services, LLC.*

Defendants.

CIVIL ACTION NO. 1:13-CV-229

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

The court referred this case to the Honorable Zack Hawthorn, United States Magistrate Judge, for pretrial proceedings. (Doc. No. 22.) Pending before the court is the Defendants' "Motion to Dismiss." (Doc. No. 46.) The court has received and considered the report and recommendation of the magistrate judge (Doc. No. 62), recommending that the court grant the Defendants' motion. No objections were filed to the magistrate judge's report and recommendation, and the time for doing so has passed.

It is therefore **ORDERED** that the magistrate judge's report and recommendation (Doc. No. 57) is **ADOPTED**; and the Defendants' "Motion to Dismiss" (Doc. No. 46) is **GRANTED**.

Plaintiffs Mike Livingston and Sharon Livingston's claims are dismissed with prejudice. The unnamed class members' claims are dismissed without prejudice. A final judgment will be entered separately.

SIGNED at Beaumont, Texas, this 11th day of September, 2014.

Marcia A. Crone

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE